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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/735,120 | 12/11/2003 | Vincent C. Skurdal | 200309729-1 | 1934 |
| 22879 7590 02/06/2009 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | EXAMINER SAX, STEVEN PAUL | |
| | | | ART UNIT 2174 | PAPER NUMBER |
| | | | NOTIFICATION DATE 02/06/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/735,120 | Applicant(s) SKURDAL ET AL. | |
| | Examiner Steven P. Sax | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,12-22,30,31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,12-22,30,31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. The RCE and amendment filed 12/20/08 have been entered.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-10, 12-19, 21-22, 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Abruna (5495302).
5. Regarding claim 1, Abruna shows a method comprising: sensing for a human presence in a region proximate a processing system independently of any human engagement of the processing system (abstract, column 4 lines 10-45); generating a signal based on said sensing and controlling at least one user-perceptible output of the processing system based, at least in part, on said signal (column 6 lines 34-53). The

Art Unit: 2174

act of controlling comprises providing electrical power to the processing system when a user is detected when electrical power had been turned off and when no user had been detected (column 7 lines 20-50).

6. Regarding claim 2, said act of sensing comprises sensing the region from which a user can view a visual output of the processing system (column 5 lines 35-55).

7. Regarding claim 3, said act of controlling comprises muting an audio output associated with the processing system when the human presence is detected (see abstract, the audio is cut off with the visual).

8. Regarding claim 4, said act of controlling comprises blanking a display device associated with the processing system when the human presence is detected (column 7 lines 15-25).

9. Regarding claim 5, said act of controlling comprises blanking a display device associated with the processing system when the human presence is not detected (column 7 lines 20-45).

10. Regarding claim 6, said act of controlling comprises blanking a display device associated with the processing system if the human presence is not detected for a period of time (column 7 lines 25-49).

11. Regarding claim 8, in addition to that mentioned for claim 1, the display device has electrical power turned on for it when the user is detected (column 7 lines 1-23).

12. Claim 9 shows the same features as claim 2 and is rejected for the same reasons.

12. Regarding claim 10, the display device is powered up when the user is detected (column 7 lines 20-49).

13. Regarding claim 12, at least a portion of the processing system is powered up when a user is detected after a period when no user had been detected (column 7 lines 20-50).

14. Regarding claim 13, said causing comprises powering-down the display device when the user is not detected (column 7 lines 10-34).

15. Regarding claim 14, said causing comprises powering-down the display device when the user is not detected for a predetermined period of time (column 7 lines 25-49).

16. Claims 15-16 show the same features as claims 1-2 and are rejected for the same reasons.

17. Regarding claim 17, the means for affecting comprises a means for processing which is positioned in a means for remotely controlling the display device (column 5 lines 50-65).

18. Regarding claim 18, the means for generating a signal comprises a sensor (column 5 lines 35-45).

19. Regarding claims 19, 21-22, the means for creating a user-perceptible image comprises a digital device, a liquid crystal device (column 7 lines 20-30), or an analog device such as a cathode ray tube (column 5 lines 40-55).

20. Regarding claim 30, note a second device coupled to the display device wherein the second device contains a second processor and wherein a processing speed of the second processor can be affected by the signal (column 7 lines 1-29).

21. Regarding claim 31, the sensor is located above the display (column 5 lines 45-60).

22. .The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2174

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 20 and 33-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Abruna (5495302).

24. Regarding claim 20, in addition to that mentioned for claim 15, the LCD is not specifically mentioned, but a various display devices to output an image are mentioned to output an image. Examiner takes Official Notice that an LCD is convenient output device to output an image. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient way to output an image.

25. Regarding claim 33, in addition to that mentioned for claim 30 or 32, the tower is not specifically mentioned but there is a source for the television signal. Examiner takes Official Notice that a tower would be a source for the television signal. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient source for the television signal.

26. Regarding claim 34, in addition to that mentioned for claim 32, the personal computer per se is not mentioned, but a convenient processor is. Examiner takes Official Notice that a personal computer is a convenient processor. It would have been

Art Unit: 2174

obvious to a person with ordinary skill in the art to have this in Abruna, because it would be a convenient processor.

27. Applicant's arguments filed have been fully considered but they are not persuasive. Please note that the claim recitations are still broad, and are interpreted as such. Regarding claim 1, applicant argues the "providing electrical power" feature. Note however that Abruna in fact does show the processing system having electrical power applied thereto, in response at least in part to the signal. Applicant may be intending more, but this is not present in the claim recitation. Even in applicant's argument on page 9, applicant describes this feature by discussing the powering up or down of the **television set**, but the claim does not recite the television set, the claim merely recites a **portion of the processing system** which is standard, and which is broad. Also, the recitation of "when electrical power had been turned off and no user had been detected" is also broad in that electrical power is being applied and turned off. Abruna does discuss the user being detected when before a user was not detected. Again, applicant may be intending more, but this is not in the claim recitation.

Applicant argues the other claims like claim 1 and so the response above applies to those as well. Furthermore, regarding claim 30, lines 10-11 of the claim still merely recite "...processing speed of the second processor **can** be affected by the signal." In Abruna, the processing speed also **can** be affected by the signal, that is, this is capable of happening based on the signal..

Applicant is invited to contact Examiner to discuss claim interpretation.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
